

# **EXHIBIT A**

FILED: KINGS COUNTY CLERK 05/04/2022 12:57 PM

INDEX NO. 512891/2022

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/04/2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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## SUMMONS

MARIE AMARDY-VAL,

Plaintiff,

Index No.:

Date Filed:

-against-

Plaintiff designates Kings County  
as the place of trial

OLD NAVY, LLC,

Defendant.

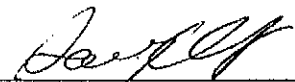
The basis of the venue is Plaintiff's  
residence

Plaintiff resides at  
490 East 23<sup>rd</sup> Street  
Apt. F2  
Brooklyn, NY 11226

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To the above-named Defendant:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorneys Gary P. Kauget, P.C. within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

  
\_\_\_\_\_  
Gary P. Kauget, P.C.  
Attorneys for Plaintiff  
9201 Fourth Avenue, Suite 200A  
Brooklyn, NY 11209  
(718) 833-2496

Dated: Brooklyn, New York

Defendant's Address:

Old Navy, LLC: 28 Liberty Street, New York, NY 10005

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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MARIE AMARDY-VAL,

Plaintiff,

**VERIFIED COMPLAINT**

-against-

Index Number:

Date Filed:

OLD NAVY, LLC.

Defendants.  
-----X

Plaintiff by her attorney, Gary P. Kauget, P.C. complaining of the defendant, alleges upon information and belief as follows:

FIRST: That at all times hereinafter mentioned the plaintiff, MARIE AMARDY-VAL, is a resident of the County of Kings, State of New York.

SECOND: Upon information and belief that at all times hereinafter mentioned defendant, OLD NAVY, LLC was and is a domestic corporation, organized and existing under and by virtue of the laws of the State of New York, and maintains its principal office in the County of Kings, State of New York.

THIRD: Upon information and belief, that at all times and places hereinafter mentioned, the defendant, OLD NAVY, LLC was a corporation duly organized and existing under and by virtue of the laws of the State of New York.

FOURTH: Upon information and belief, that at all times and places hereinafter mentioned, the defendant, OLD NAVY, LLC was a foreign corporation doing business in the State of New York.

FIFTH: That at all times herein mentioned the defendant,

OLD NAVY, LLC., its agents, servants and employees controlled the premises known as and by 1009 Flatbush Avenue, in the County of Kings, City and State of New York.

SIXTH: That at all times herein mentioned the defendant, OLD NAVY, LLC its agents, servants and employees maintained the premises known as and by 1009 Flatbush Avenue, in the County of Kings, City and State of New York.

SEVENTH: That at all times herein mentioned the defendant, OLD NAVY, LLC its agents, servants and employees managed the premises known as and by 1009 Flatbush Avenue, in the County of Kings, City and State of New York.

EIGHTH: That at all times herein mentioned the defendant, OLD NAVY, LLC., its agents, servants and employees owned a store located at premises known as and by 1009 Flatbush Avenue, in the County of Kings, City and State of New York.

NINTH: That the defendant, OLD NAVY, LLC her agents, servants and employees had a duty to properly maintain said premises and to keep said premises in a reasonably safe condition.

TENTH: That the defendant, OLD NAVY, LLC., its agents, servants and employees breached their duty to maintain said premises and to keep said premises in a reasonably safe condition.

ELEVENTH: That on December 21, 2021 the plaintiff, MARIE AMARDY-VAL, was lawfully upon said premises.

TWELFTH: That on December 21, 2021, while lawfully upon said premises and more particularly inside of the store of said premises, the plaintiff, MARIE AMARDY-VAL, was caused to trip and fall over a clothing rack and sustain serious and severe personal injuries as a result of the negligence of the defendant, its agents,

servants, and employees in their ownership, maintenance and control of said premises.

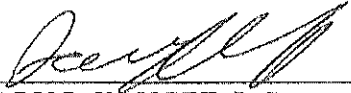
THIRTEENTH: That the foregoing occurrence was caused solely and wholly as a result of the negligence of the defendant, its agents, servants, and employees, without any negligence on the part of the plaintiff contributing thereto.

FOURTEENTH: That as a result of the foregoing, plaintiff, MARIE AMARDY-VAL, sustained serious, severe and permanent personal injuries.

FIFTEENTH: That this action falls within one or more of the exceptions set forth in CPLR 1602.

SIXTEENTH: That as a result of the foregoing plaintiff has been damaged in an amount that exceeds all of the jurisdictional limits of the lower Courts.

WHEREFORE, plaintiff demands judgment against the defendant in an amount to be determined at the time of trial, together with the costs and disbursements of this action.

  
\_\_\_\_\_  
GARY P. KAUGET, P.C.  
Attorney for Plaintiff  
9201 Fourth Avenue, Suite 707  
Brooklyn, NY 11209  
(718) 833-2496

FILED: KINGS COUNTY CLERK 05/19/2022 10:26 AM

## AFFIDAVIT OF SERVICE

NYSCEF DOC. NO. 2

STATE OF NEW YORK  
COUNTY OF KINGS

SUPREME COURT FILED ON: 5/4/2022

INDEX NO.: 512891/2022

INDEX NO. 512891/2022  
RECEIVED NYSCC 05/19/2022

MARIE AMARDY-VAL,

Plaintiff(s)-Petitioner(s)

OLD NAVY, LLC,

-VS-

Defendant(s)-Respondent(s)

STATE OF NEW YORK}  
COUNTY OF SARATOGA ss.}

I, MARK E. MCCLOSKY being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On MAY 13, 2022 at 2:00 P.M.

Deponent served two true copies of NOTICE OF ELECTRONIC FILING (CONSENSUAL CASE) (UNIFORM RULE § 202.5-b),  
SUMMONS AND VERIFIED COMPLAINTbearing index number: 512891/2022 and date of filing: 5/4/2022  
upon OLD NAVY, LLC  
at address: SECRETARY OF STATE, 99 WASHINGTON AVENUE  
city and state: ALBANY, NY 12210MANNER OF SERVICE}Personal

- ☐
- By delivering to and leaving with personally}
- 
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

Suitable Age Person

- ☐
- By delivering and leaving with personally}
- 
- at the premises mentioned above. Such person knowing the person to be served and associated with him/her, and after
- 
- conversing with him/her, deponent believes him/her to be a suitable age and discretion.

Authorized Agent

- ☒
- By delivering and leaving 2 copies with} SUE ZOUKY, BUSINESS DOCUMENT SPECIALIST
- 
- the agent for service on the person in this proceeding designated under Rule 303 LLC and tendering the required fee.
- 
- Service having been made to such person at the place, date and time above.

Affixing to Door, Etc.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
- 
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and
- 
- discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the
- 
- following dates and times:

Mailing

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository
- 
- under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential"
- 
- and mailed to the person stated above at address
- 
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action
- 
- against the recipient. The envelope was mailed by first class mail certified mail registered mail return receipt requested.

DESCRIPTION} deponent describes the person actually served as:Sex: FEMALE Race/Skin Color: WHITE  
Approximate Age: 60 years Approximate Height: 5'0"  
Other:Hair Color: GRAY  
Approximate Weight: 125 pounds

Subscribed and sworn before me on} MAY 13, 2022

Notary Public, State of New York  
Karen E. Rock  
Qualified in Schenectady County  
Number 01R06065213  
Expires: October 9, 2025Attorney:  
Gary P. Kauget, P.C.  
9201 Fourth Avenue, Suite 200A  
Brooklyn, NY 11209  
(718)833-2496MARK E. MCCLOSKY  
Deponentaffidavit #: 251370  
NLS#: 22-3933

FIRM FILE # 567614